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PATRICK E. DUFFY  
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

KORI LANE LAKE,	)	CV 07-08-H-DWM-RKS
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
MIKE MAHONEY, TAMARA SUNDERLAND,	)	
and DR. SCHAEFER,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Lake, a state prisoner proceeding pro se, has filed a motion to dismiss his Complaint without prejudice. (Doc. No. 41.) The Defendants failed to respond to the motion, and United States Magistrate Judge Keith Strong entered Findings and Recommendations on August 2, 2007, in which he recommends that Lake's motion be granted and his Complaint be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

The parties have not timely objected and so have waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendations for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the

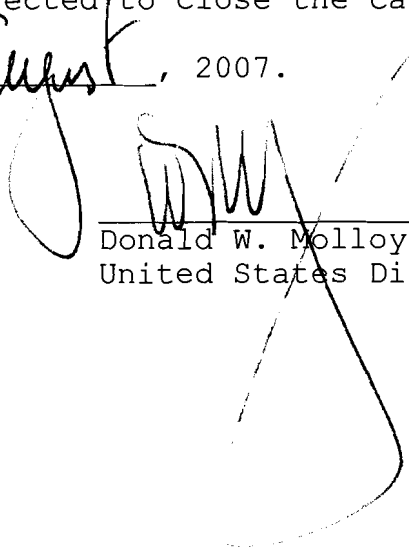
Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

I can find no clear error with Judge Strong's recommendation and therefore adopt it in full.

Accordingly, IT IS HEREBY ORDERED that Plaintiff Lake's motion to dismiss (Doc. No. 41) is GRANTED, and the Complaint is DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(a)(2).

The Clerk of Court is directed to close the case.

DATED this 24 day of August, 2007.

  
\_\_\_\_\_  
Donald W. Molloy, Chief Judge  
United States District Court